

**From:** [Young, Stewart \(USAUT\) 3](#)  
**To:** ["Rudy Bautista"](#)  
**Subject:** RE: Chavarin  
**Date:** Monday, June 12, 2017 3:46:00 PM

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I have talked it over with the criminal chief. We do not feel comfortable filing the 851 in order to just get him to plead. I will not be filing the 851, whether he pleads or goes to trial.

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**From:** Rudy Bautista [mailto:[rudy@bbpdefense.com](mailto:rudy@bbpdefense.com)]  
**Sent:** Monday, June 12, 2017 2:47 PM  
**To:** Young, Stewart (USAUT) 3 <[SYoung3@usa.doj.gov](mailto:SYoung3@usa.doj.gov)>  
**Subject:** Re: Chavarin

Stew,

Thanks, as per my normal procedure, I'll stipulate to what you need such as chain and tox results. Last I spoke with Alan, he was concerned about being hit with an 851. He is on the border of pleading to ensure he doesn't get hit with the enhancement. Without getting an affirmative no go on the 851, I believe he will plead as he is afraid of the current administration. If we can get a firm commitment that you won't be forced to file an 851, then yes, it should take 2 days including closing arguments.

Rudy J. Bautista | *Shareholder*

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On Jun 12, 2017, at 12:29 PM, Young, Stewart (USAUT) 3  
<[Stewart.Young@usdoj.gov](mailto:Stewart.Young@usdoj.gov)> wrote:

Rudy,

I hope this finds you well. I know you are really busy, so I'm just trying to get this to you earlier so that you have an idea of our trial plan on Chavarin. The drugs have already been tested – it is heroin (3.5 kilograms, and the purity doesn't change things for the guidelines). I calculate that as a Level 32. Don't rely on my calculations, of course, but that is my best estimate.

I anticipate it would be four or five witnesses, but could change based on stipulations: Steve Salas (Initial Stop and Interview), Jared Withers (Secondary Stop and some statements), Johnathan Dumke (Chemist), Branden Davis (Interview and Phone Dump), and maybe a Spanish translator if needed for the interview/phone messages. I've sent you the chemist's workup on the heroin.

So, I think it would probably be a two-day trial, or less. We are set for July 25<sup>th</sup> before Judge Benson. Judge Benson is always a nice judge to have a trial in front of.

Please let me know at your convenience the plan, and I can plan accordingly.

Thanks,

*Stew.*

Stewart M. Young

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